

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 23, 27-28, 32-33, 35, and 38 have been amended. Support for the amendments may be found throughout the specification. No new matter has been added as a consequence of these amendments.

Claims 23-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Claims 23-41 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants submit that the claims, as amended, are in full compliance with 35 U.S.C. 112, first and second paragraph.

For example, regarding the Examiner's assertion that there is no support in the specification for the claim limitation of "a mixture of compounds", Applicants note at least the following support found in the original specification, e.g., on page 5, lines 1-2 (mixtures arising from variation of the index "m"); page 5, lines 10-12 (acyl group mixtures generally); page 5, lines 14-21 (fractional values for the number of multiple double bond groups disclose mixtures); page 5, lines 27-32 (mixtures involving various numbers of multiple bonds in acyl groups disclosed); page 6, line 15 (mixtures of acyl groups some with multiple double bonds and others not); page 6, lines 18-21 (ratios of acyl groups having and not having multiple double bonds - particularly fractional ratios clearly discloses mixtures); page 7, lines 2-3 (reference to average values of the index "n" is a clear reference to mixtures); page 8, lines 11-20 (explicit reference to mixtures with compounds having different acyl group ); and Example 1 (Prifac 8960 explicitly stated to be a mixture of fatty acids).

Claims 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Application Publication 2003/0153787 ("Carpenter"). Claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view of U.S. Patent No. 6,613,817 ("Bouvy '817"). Claims 35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carpenter in view U.S. Patent No. 6,780,910 ("Bouvy '910"). For at least the following reasons, the pending claims are believed to be patentable over the cited references.

Generally, Applicants submit that the examiner acknowledged on page 6 of the present Official Action that Carpenter fails to teach the hydrocarbyl group having two ethylenic double bonds. As all of the pending claims require that the hydrocarbyl group in formula (I) on average have at least 1.2 groups/molecule comprising at least two ethylenic double bonds, it is submitted that Carpenter fails to teach or render obvious the presently pending claims.

Carpenter is directed towards alkenyl succinic esters of ethoxylated polyols as aqueous phase thickeners principally for personal care compositions. In contrast, the pending claims are directed towards emulsification in alkyd resin emulsions. More specifically, Applicants submit that, unlike Carpenter, the acyl groups,  $-OCR^3$  in present formula (I) of the pending claims, include acyl groups having more than one double bond. For example, Applicants note pending claim 23 comprises, *inter alia*, an average of at least 1.2 such multiple double bond groups per molecule. Therefore, Applicants submit that the pending claims are not anticipated by Carpenter.

Regarding the pending obviousness rejections, Applicants noted above that the Examiner has acknowledged that Carpenter fails to teach the hydrocarbyl group comprising at least two ethylenic double bonds. Accordingly, the Examiner relies on Bouvy '817. Applicants note that Bouvy '817 is directed to forming emulsions of alkyd resins using polyunsaturated fatty acid sugar amides. In contrast, the pending claims are directed to esters, not amides.

In addition, the Examiner asserts on page 6 of the present Official Action, that Bouvy '817 "teaches linoleic acid having an iodine value in the range from 45 to 75 g [sic]." Applicants note that pure linoleic acid has an iodine value of ca. 181 g(I<sub>2</sub>)/100 g (sample). A C<sub>18</sub> fatty acid having an iodine value of from 45 to 75 g(I<sub>2</sub>)/100 g (sample) is **not** pure linoleic acid, but rather indicates a C<sub>18</sub> fatty acid having an average degree of unsaturation of less than 1. Therefore, Applicants submit that Examiner has failed to present a *prima facie* case of obviousness against the pending claims in view of Bouvy '817, which comprise, *inter alia*, on average at least 1.2 groups having at least two ethylenic double bonds.

Finally, Applicants note that the Examiner has acknowledged on page 8 of the present Official Action, that "Carpenter fails to teach an aqueous emulsion or dispersion of polymeric particles, wherein the emulsion or dispersion is formed in the presence of a stabilizing amount of a mixture of compounds represented by Formula

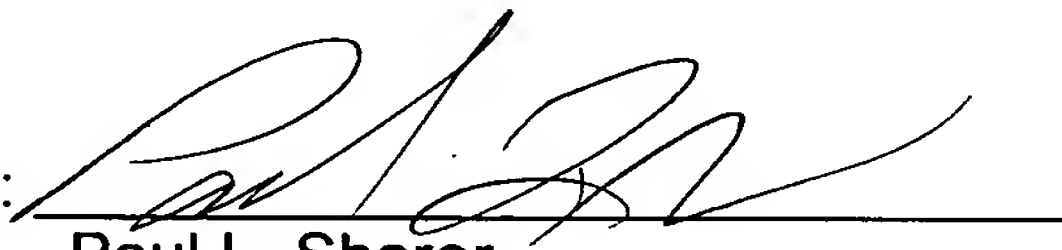
I." Accordingly, the Examiner must rely on Bouvy '910. Applicants note that unlike alkylene oxide groups of the pending claims (see originally filed application at page 6, lines 23-31), Bouvy '910 is directed to *branched alkyl* polyethoxylates. Therefore, Applicants submit that Examiner has failed to present a *prima facie* case of obviousness against the pending claims in view of Bouvy '910.

Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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